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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,783	08/28/2001	Brian J. Petryna	PETRYNA 8	3916
27964	7590	06/12/2008	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083				LEE, ANDREW CHUNG CHEUNG
ART UNIT		PAPER NUMBER		
		2619		
NOTIFICATION DATE		DELIVERY MODE		
06/12/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief		Application No. 09/940,783	Applicant(s) PETRYNA, BRIAN J.
		Examiner Andrew C. Lee	Art Unit 2619
<p>–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –</p> <p>THE REPLY FILED 13 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</p> <p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p> <p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p> <p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p> <p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p> <p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p> <p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p> <p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: _____. Claim(s) objected to: _____. Claim(s) rejected: _____. Claim(s) withdrawn from consideration: _____.</p> <p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p> <p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant failed to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p> <p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p> <p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</p> <p>12. <input type="checkbox"/> Note the attached <i>Information Disclosure Statement(s)</i>. (PTO/SB/08) Paper No(s). _____.</p> <p>13. <input type="checkbox"/> Other: _____.</p> <p>/Edan Orgad/ Supervisory Patent Examiner, Art Unit 2619</p>			

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claims 1, 8, 15, Applicant argues Reference Shaffer teaches that data received on telephone line 152 can be transmitted to a computer system 170 over a communication link such as a local or wide area network. The received data, however, is not a telephone call and, more specifically, is not a subsequent telephone call as presently claimed. For at least these reasons, Shaffer does not teach or suggest a subsequent telephone call to a destination address via a computer network as recited in independent Claims 1, 8, and 15, and, thus does not anticipate independent Claims 1, 8, and 15.

Examiner respectfully disagrees.

Examiner contends Reference Shaffer suggests and also teaches a subsequent telephone call to a destination address via a computer network.

First, applicant's disclosed subject matter "telephone call" does not define explicitly "a telephone call" is a "voice call" or a "data call". Applicant just loosely disclosed "a telephone call" in the claims. According to Wikipedia, the free encyclopedia, it states that a telephone call may carry ordinary voice transmission using a telephone, data transmission when the calling party and called party are using modems, or facsimile transmission when they are using fax machines. Besides, Applicant's claims do not define implicitly or explicitly or mention the calling and called end points are Plain Old Telephone (POT). Applicant just discloses "a station of a circuit-switch telephone network, "a station" can be interpreted as a modem or a facsimile machine. However, reference Shaffer at least teaches a communication system for transmitting voice or data signals to a remote receiver detects a digital error message that is transmitted by a telephone service provider (see Abstract). Applicant also states that Reference Shaffer teaches that data received on telephone line 152 can be transmitted to a computer system 170 over a communication link such as a local or wide area network. Examiner interpreted "computer network" as a local or wide area network (see Fig. 4, col. 5, lines 26 - 52). Examiner also interpreted "extracts from the first telephone call a destination address for a subsequent telephone call" as the calling system's memories are updated and processing return to step 100 to dial the new number (see Fig. 4, col. 5, lines 37 - 52). Hence Shaffer suggests/teaches a subsequent telephone call to a destination address via a computer network.

Applicant also argues these cited portions of Scott do not teach or suggest initiating a subsequent telephone call via a computer network as presently claimed (see Applicant's remark, page 4). Rather, the cited portions of Scott deal with the first telephone call. As such, the cited portions of Scott do not teach or suggest each and every element of independent Claims 1, 8, and 15. Shaffer has not been cited to cure this deficiency of Scott but to teach extracting a destination address for a subsequent telephone call.

Examiner respectfully disagrees.

Examiner contends combination of References Scott and Shaffer suggest/teach each and every element of independent Claims 1, 8, and 15. Examiner interpreted routing server as network call initiator and all routes to be configured on the routing server, but automatically distributed to the appropriate gateways and can be also distribute E.164 translation data as a computer network terminal that employs said destination address to automatically initiate (see Fig. 3B, col. 8, lines 60 - 64, col. 9, lines 1 - 12, col. 59, lines 60 - 65, and col. 61, lines 41 - 45). And Reference Shaffer cures the deficiency of Scott for the extracting therefrom a destination address for a subsequent telephone call. Reference Shaffer suggests/teaches extracting therefrom a destination address for a subsequent telephone call. Examiner interpreted "extracts from the first telephone call a destination address for a subsequent telephone call" as the calling system's memories are updated and processing return to step 100 to dial the new number (see Fig. 4, col. 5, lines 37 - 52).